



August 18, 2020

Lionel Moore

91169-054

USP Lewisburg Camp

Po Box 2000

Lewisburg, PA 17837

Case# 1:17-cr-00274-001

U.S. v. Lionel M Moore

Re: Compassionate Release Request - 18 USC 3582(c)(1)(A)

Dear Honorable Andrew L. Carter Jr.;

I am writing you sir to request Compassionate Release via 18 USC 3582(c)(1)(A)(i) due to active cases of COVID19 at Lewisburg USP; which adjoins the satellite camp I am housed in, and shares staff with the USP Lewisburg Camp ("Camp"). I have underlying health issues, extenuating family circumstances, proven rehabilitation, am a minimum recidivism risk, not a danger to the community or others, and have a viable release plan. I have exhausted my BOP administrative remedies also.

Background

I am a 40 year old 1st time incarcerated individual, who after 10 months of successful USPO/Pre Trial Release ("USPO/PTS"), was assigned to a Federal Prison Camp. I was sent to USP Lewisburg Camp ("Camp") due to it being near my home, a higher level

medical due to my health issues, and it having RDAP. I am now 90% done my effective sentence; with release set for November 24, 2020 - just three months away. However, on July 30, 2020 the Lewisburg Camp was addressed that the first laboratory confirmed case was at the adjoining USP. Since then, and now only 3 1/2 weeks later, the attached USP has over 55 cases. It spread exponentially among inmates and staff. See www.bop.gov/coronavirus. Staff at the USP work also at the Camp attached to it, inmates from the Camp also continue to co-mingle with USP staff through their prison jobs at the C.O. Training Center and Waste Water Bar Screen site. Inmates at work at the training center also work among C.O. family members.

Transmission of infection through co-mingling of staff with Campers, staff family members with Campers-via the Training Center Orderlies-is a potential conduit for infection of all Campers. The same with USP staff working at both the Camp and USP, which share the same compound and staff alike. Vendors, delivery personnel and contractors co-mingle at the USP and Camp; thus creating an additional transmission avenue to many vulnerable Campers-like me. With 3 months to finish, it could be a death sentence should I be infected.

Health Issues

At the age of 24 (2004) I was shot 4 times and required multiple neck, throat, and abdominal life saving surgeries. A post surgical esophageal infection required esophageal reconstruction on my behalf. The COVID19 virus is next door at the USP, most likely here among asymptomatic inmate / staff carriers too. I have a compromised airway from my gun shot wound to my throat, post surgical esophageal infection and reconstruction. COVID19 attacks the airway and places me at higher risk of death or disability if infected. The next 3 months until my release, could be lethal for me, if infected. Fifty five confirmed carriers are next door, and an unknown amount of silent carriers here too. The Camp inmates congregate with USP C.O. and C.O. family members. The USP and Camp share staff and vendors with one another. Conduits of infectious transmission are clear and present dangers, because of these conditions.

My 2 Extenuating Family Circumstances

My imprisonment has been difficult on my family; especially my newborn who is now ~~2~~ 3 yrs old. The baby was born after I arrived to prison and hasn't been able to see me or bond with me. Now, because the virus is among Lewisburg Prison Complex, we are on lock down. Thus, no visits for the Camp or

USP allowed. My ~~new~~^{toddler} baby would benefit from my release now, not risk growing up fatherless should I become infected, or waiting 3 months until my BOP scheduled release. I'm playing a potentially lethal waiting game over the next 3 months - avoiding infection until my 11/24/20 release date arrives. The stakes are high.

Prior to my arrival to Lewisburg Camp, and while I was a USPO/PTS Pre Trial Releasee, my then 15 year old daughter tragically passed away. She was abroad on a mission trip for school and drowned in the hotel pool. This profound loss echoes through me daily. If I were to become infected and die, my ~~newborn~~^{toddler} would be fatherless and my family struck twice with enormous grief.

Rehabilitation

I completed the BOP's 500 hr 9 1/2 month Residential Drug and Alcohol Program (RDAP) and graduated. It is an extensive and voluntary chemical dependency and cognitive behavioral therapy program. Because I graduated and I have no violence or firearms in my past or instant case, have been awarded both one year off my sentence, and 6 months home detention. This is why my home detention date is now 11/24/2020. I am simply now in a HOLDING PATTERN being I graduated and completed RDAP, but have 3 months of simple waiting until 11/24/2020 rolls around. I could be

infected within my 3 month waiting period and all the benefits of RDAP wasted.

Also, while on USPO/PTS, I was a model releasee and proven I can conform and comply to probation/supervised release conditions. I did so for 10 months prior to assignment to a minimum security satellite prison camp - Lewisburg USP/Camp. I met and complied with 18 USC 3142(c) community safety standards then, can now, and will have to in 3 months, regardless of compassionate release being granted or not. I am not a danger to the community or others safety. I was deemed eligible under 18 USC 3621(c) for a year off, due to RDAP completion ~~AND~~ lack of serious violence or firearms in my past or present. I met USPO/PTS standards under 18 USC 3142(c) as a releasee for 10 months without any problems. I have completed and graduated from an intensive rehabilitation program also. I am simply waiting around 90 days with 90% of my effective sentence completed, but praying the virus next door at the USP isn't already here among asymptomatic carriers, or crosses over from the USP to my Camp via one of the staff, inmate or contractors that coningle on a daily basis.

While imprisoned I made the wisest use of my time. I graduated and volunteered for RDAP. I also learned welding and worked at the Camp's welding shop before the COVID19 lock down. The Camp itself is

a minimum security facility intended for the least dangerous, lowest risk and most trusted inmates among the BOP population. No fences, physical barriers, walls or armed guards prevent inmates from escaping. All Campers here are kept here by their own volition and self will. I am housed at a trustee camp for the most minimum of security needs. I am deemed out custody too. I earned my GED also. I made the most out of my time.

Release Plan

In 90 days I will be releasing to the same address I resided while a model (Pre Trial Release) releasee. If granted immediate release I will report there and reside there also. I learned welding at Lewisburg Camp and completed RDAP too. The welding shop is closed due to COVID 19 at the attached USP, and I graduated RDAP - I am simply waiting out 90 days - hoping not to be infected and see my 3 year old who was born AFTER I came to Lewisburg Camp; and has been without a dad.

Legal Argument

Please see enclosed June 22, 2020 BOP administrative remedy (BP-9), and corresponding July 04, 2020 denial of my Compassionate Release (18 USC 3582(c)(1)(A)(i)) by my warden. I have met § 3582 exhaustion requirement. I believe you now have jurisdiction

and authority to grant me compassionate release. The First Step Act passed December 2018 took authority away from the BOP director being the ONLY person allowed to motion a court for compassionate release. After exhaustion the inmate can now petition his sentencing court for release under 18 USC 3582(c)(1)(A)(i). Also, the old U.S.S.C (Sentencing Commission) policy statement, was made obsolete under the First Step Act's changes to Compassionate Release motions. I have the ability to bring a motion on my own behalf once I meet exhaustion; which I have. You have authority to grant the motion and no longer hamstrung by a now outdated USSC policy statement.

Conclusion

I ask due to, my now 90% completed effective sentence at a minimum security camp, the now confirmed and increasing cases of confirmed COVID19 here at Lewisburg, my demonstrated rehabilitation and safety to the community, my extenuating family circumstances, underlying health conditions, presence of an extraordinary pandemic, and with just 90 days of idle waiting before my 11/24/2020 release to home detention, that you are compelled to grant me immediate release.

Respectfully submitted,

(pro se) Lionel Moore
Lionel Moore #91169-054

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: Moore, L. M. 91169-024 PDA/101 Lewisburg
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST

I AM Ineligible As For The Care's Act And
I am Applying for Compassionate Release
Under The Covid-19. I Have Been Shot
Multiple Times in my Life, Had Reconstructive
Surgery on my Esophagus, Had Collapsed
Lungs and 2 Blood Transfusions

6-17-20
DATE

[Signature]
SIGNATURE OF REQUESTER

Part B- RESPONSE

RECEIVED

JUN 22 2020

ADMIN REMEDY CLERK
USP LEWISBURG

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

SECOND COPY: RETURN TO INMATE

CASE NUMBER: 10216746-F2

CASE NUMBER: _____

Part C- RECEIPT

Return to: _____
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

Admin. Remedy No.: 1026746-F2

Part B- Response

ADMINISTRATIVE REMEDY RESPONSE

This is in response to your request for Administrative Remedy received on June 22, 2020, wherein you request a Compassionate Release due to the COVID-19 pandemic.

Title 18 of the United States Code, section 3582(c)(1)(A), allows a sentencing court, on motion of the Director of the BOP, to reduce a term of imprisonment for extraordinary or compelling reasons. BOP Program Statement No. 5050.50, Compassionate Release/Reduction in Sentence: Procedures for Implementation of 18 U.S.C. §§ 3582(c)(1)(A) and 4205(g), provides guidance on the types of circumstances that present extraordinary or compelling reasons, such as the inmate's terminal medical condition; debilitated medical condition; status as a "new law" elderly inmate, an elderly inmate with medical conditions, or an "other elderly inmate"; the death or incapacitation of the family member caregiver of the inmate's child; or the incapacitation of the inmate's spouse or registered partner.

A review of this matter revealed you do not meet the criteria for a Compassionate Release.

The BOP is taking extraordinary measures to contain the spread of COVID-19 and treat any affected inmates. We recognize that you, like all of us, have legitimate concerns and fears about the spread and effects of the virus. However, your concern about being potentially exposed to, or possibly contracting, COVID-19 does not currently warrant an early release from your sentence. Accordingly, your RIS request is denied.

If you are dissatisfied with this response, you may appeal to the Regional Director, United States Federal Bureau of Prisons, Northeast Regional Office, United States Customs House - Seventh Floor, Second and Chestnut Streets, Philadelphia, PA 19106, within twenty (20) calendar days from the date of this response.

Date

7/4/20

RADMS Spaulding, Warden